

REMARKS

In the specification, a correction to page 3 has been made to correct an obvious typographical error. With regard to the suggestion that headings be incorporated into the specification, this suggestion is acknowledged, but section headings have not been added to the specification as they are not required in accordance with MPEP §608.01(a).

In the Action, claim 4 was rejected under 35 USC 112 as no structure was recited to define the "recording device". In response, claim 4 is herewith amended to recite a recordable multi-layer record carrier, with appropriate structural limitations pertaining thereto. It is respectfully submitted that claim 4, as herewith amended, now fully complies with the requirements of §112. (In this regard, it is noted that the last sentence of the rejection of claim 4 suggests that claim 3 lacks structure to define the "recording device", but since claim 3 does not pertain to a "recording device" it is being assumed in the interest of advancing prosecution that this is a typographical error, and that the sentence in question in fact pertains to claim 4.)

On the merits, claims 1-4 were rejected under 35 USC 102(b) as being anticipated by Ishida et al, for the reasons of record. In response, independent claim 1 is herewith amended to more particularly and precisely recite the instant invention in a manner

which distinguishes over the cited and applied reference, and it is respectfully submitted that claim 1, and the remaining claims depending therefrom, now contain patentable subject matter as detailed below.

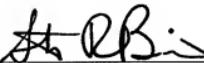
More particularly, it is suggested in the Action that Ishida discloses a method and structure wherein the two superjacent carriers are of substantially equal size. However, as clearly stated in Ishida (col. 9, last paragraph) a portion of one of the information layers contains dummy data 79, such that the areas containing actual information in Ishida are clearly not of substantially equal size. This can be clearly seen in Fig. 5B, cited in the Action, wherein the areas containing actual information are of substantially different sizes, as shown by the dimensions r10 and r15 in Fig. 5B. This is clearly a substantially different configuration from that of the instant invention, wherein the areas of the two information layers containing actual information are of substantially equal size.

In order to more clearly and precisely recite this important patentable distinction, claims 1 and 4 have been amended such that all of the currently-pending claims now recite that it is the areas on the two superjacent information layers that contain actual information that are substantially equal in size.

In view of the foregoing, it is respectfully submitted that the currently-pending claims, as herewith amended to more

particularly and precisely define the novel and unobvious features of the instant invention, are clearly patentably distinguishable over the cited and applied reference. Accordingly, allowance of the instant application is respectfully submitted to be justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By   
Steven R. Biren, Reg. 26,531  
Attorney  
(914) 333-9630